



Town of Dumfries
Council Meeting

Meeting Date:

August 7, 2012

Agenda Item#

XII – B

AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

- ☐ CONSENT AGENDA
☐ PRESENTATION
☐ ACTION ITEM
☐ TOWN MANAGER & STAFF COMMENTS
☐ PUBLIC HEARING
☐ Duly Advertised

PURPOSE OF ITEM:

- ☒ INFORMATION ONLY
☐ DISCUSSION ONLY
☐ DISCUSSION AND/OR DECISION
☐ Introduction ☐ Resolution
☐ Ordinance ☐ Grant/MOU
☐ By Motion ☐ Bylaws
☐ Certificate

PRESENTER:

Christine Sanders

PRESENTER TITLE:

Town Attorney

AGENDA ITEM:

BACKGROUND / SUMMARY:

Information for Town Council on Town Attorney role, responsibilities, and relationship to Council and Staff

Briefing on Virginia Freedom of Information Act and Conflicts of Interest Act

<http://www.vml.org/CLAY/SeriesPDF/11-12FOIACOIA.pdf>

ATTACHMENTS:

Memo

REQUESTED ACTION:

☒ NO ACTION REQUESTED

FOR MORE INFORMATION, CONTACT:

Name:

Christine Sanders

Phone#:

703-221-3400 x 112

E-mail:

csanders@dumfriesva.gov

FOR USE DURING MEETING

VOTE:

☐ PASSED

☐ NOT PASSED

Y N

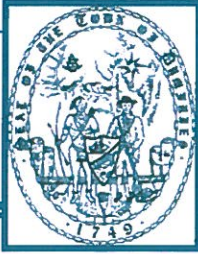
☐ ☐ Brewer
☐ ☐ Praino
☐ ☐ Washington

Y N

☐ ☐ Foreman
☐ ☐ Reynolds

Y N

☐ ☐ Forrester
☐ ☐ Toney



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MEMORANDUM

TO: Mayor Foreman, Vice Mayor Toney, Council Members,
Daniel E. Taber, Town Manager
FROM: Christine R. Sanders, Town Attorney
DATE: August 2, 2012
RE: Town Attorney -- orientation

Town Attorney for the Town of Dumfries, VA.

The following is an outline of the role of Town Attorney. I will discuss more in depth at the Council meeting August 7, 2012. Please know that I am available to meet in person, speak on the phone, and respond to emails as needed. Generally, I advise Council as a body acting collectively and do not represent individual council members where specific interests may be adverse to the Council as a whole.¹ Additionally

I. Enabling legislation:

a. Town of Dumfries Charter- Article IV. Section 4.04 Town Attorney

An attorney shall be appointed by and serve at the pleasure of the council. The appointed attorney shall be qualified to practice law in the Commonwealth of Virginia, shall serve as chief legal advisor to the council, and shall also serve as legal advisor to the town administration.

b. Code of Virginia: - § 15.2-1520 sets out the general authority of a political subdivision to hire a county, city or town attorney for the purpose of defending and representing the locality and its employees in civil actions. A generic job description for the local government attorney is set out in § 15.2-1542

¹ There are complex and sometimes murky ethical considerations that a local government attorney must address if faced with a scenario where an individual council member acts or intends to act adversely to the Town.

- II. Litigation:** - Town Prosecutor for all criminal misdemeanors and traffic
- i. Court dates three times a month – minimum;
 - ii. Occasional additional dates depending on bond motions, arraignments etc.
 - iii. Work closely with Chief of Police and Officers on prosecuting cases, updates in the law and training;
 - iv. Juvenile and Domestic Relations Court –
 - 1. all misdemeanor crimes and traffic summons concerning juveniles defendants;
 - 2. misdemeanor domestic crimes
 - v. Zoning and Building Code Violations- criminal misdemeanors;
 - vi. Appeals to Circuit Court
 - vii. Civil actions

III. Legal Advisor to Town Council

- i. Attend meetings of Council;
- ii. Parliamentarian – Roberts Rules of Order
- iii. Research legal issues as they arise – prepare written memoranda as needed;
- iv. Advise Council on legal issues;
- v. Closed Sessions – limited purposes --advising council-attorney/client privilege;
- vi. Represent the Town in litigation (criminal misdemeanors and civil litigation);
- vii. FOIA – Virginia Freedom of Information Act;
- viii. COIA- Conflicts of Interest Act;
- ix. BZA – Board of Zoning Appeals;
- x. Planning Commission

IV. Legal Advisor to Town Administration

- a. Town Manager;
- b. Department Heads
 - i. Treasurer
 - ii. Public Works
 - iii. Zoning Administrator
 - iv. Community Services
 - v. Economic Development
- c. Legal Issues encompassing:
 - i. Personnel
 - ii. Procurement
 - iii. Tax assessment/collection

- iv. Zoning/planning
- v. Ordinance drafting/interpretation
- vi. Risk assessment
- vii. Contract drafting/negotiation
- viii. Election- special elections (!)
- ix. Budget issues
- x. Other legal issues as they arise